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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN -9 AM 8:45

UNITED STATES OF AMERICA,

Plaintiff,

v.

Concepcion PALOMO

Defendant.

) Magistrate Case No.:

) '08 MJ 1779

) COMPLAINT FOR VIOLATION OF:

) Title 21, U.S.C.,

) Sections 952 and 960 -


) Importation of a Controlled
) Substance

The undersigned complainant being duly sworn states:

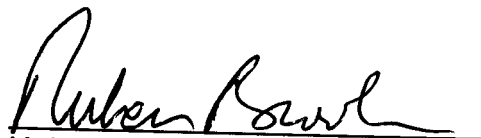
COUNT 1

That on or about June 07, 2008, within the Southern District of California, Concepcion PALOMO, did knowingly and intentionally import into the United States from a place outside thereof, approximately 87.10 kilograms of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Mark Narvaez, Special Agent
U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence this 9th day of June 2008.


United States Magistrate Judge

Statement of Facts

These facts are based on my personal participation in this investigation and on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the defendant named in the attached complaint committed the crimes charged in the complaint.

On June 07, 2008, at approximately 1230 hours, Concepcion PALOMO arrived at the San Ysidro Port of Entry from Mexico as the driver and sole occupant of a white 1998 Dodge 1500 van bearing no license plates. PALOMO made a negative Customs declaration to U.S. Customs and Border Protection (CBP) Officer Brownell by stating that she was bringing nothing from Mexico. During the inspection, Officer Brownell smelled a strong gasoline odor and observed PALOMO become nervous and talkative. Officer Brownell escorted PALOMO and the vehicle to secondary inspection.

During the secondary inspection, a CBP Narcotic Detecting Canine alerted to the odor of a controlled substance emanating from the interior and dashboard of the vehicle. CBP Officer Perez inspected the interior of the vehicle and noticed that the engine cover was not properly secured. Upon removal of the engine cover, Officer Perez noticed an odd copper line going around the top of the engine and into the air filter container. Officer Perez opened the air filter cover and noticed what appeared to be a non-factory home made fuel tank. Officer Perez then tapped the gasoline tank on the under side of the vehicle and reported that the tank tapped solid.

CBP Officer Vandewalle conducted a seven-point inspection of the vehicle. The vehicle was placed on a vehicle lift and Officer Vandewalle noticed non-factory bolts and several fresh scratch marks on the gasoline tanks. The front and rear gasoline tanks were removed and had holes cut out on the top of each tank. Several tan packages covered in a green soap like product were inserted into the cut out holes of the gasoline tanks. The tan packages were found to contain a substance, which field-tested positive for the presence of marijuana. A total of thirty-nine (39) packages were discovered concealed within the front and rear gasoline tanks. The total weight of the thirty-nine (39) packages of marijuana was found to be approximately 87.10 kilograms.